REMARKS

In response to the Office Action dated March 23, 2007, Applicants respectfully request reconsideration based on the above amendments and the following remarks. Applicants respectfully submit that the claims as presented are in condition for allowance.

The drawings were objected to. The specification has been amended to refer to reference numeral 21 as requested by the Examiner.

The specification was objected to and has been amended as suggested by the Examiner.

Claims 3, 7, 9-11 and 16 were objected to due to informalities which have been corrected by amendment.

Claim 22 was rejected under 35 U.S.C. § 112, first paragraph as being a single means claim. Claim 22 has been amended to recite a processor in the controller executing a grid computing application. Thus, Applicants submit the rejection under 35 U.S.C. § 112, first paragraph should be withdrawn.

Claim 22 was rejected under 35 U.S.C. § 112, second paragraph as being indefinite. Claim 22 has been amended to recite a processor in the controller executing a grid computing application. Thus, Applicants submit the rejection under 35 U.S.C. § 112, second paragraph should be withdrawn.

Claims 14-19 and 22 were rejected under 35 U.S.C. § 101 as being directed to software per se. With respect to claim 22, this claim has been amended to recite a processor in the controller executing a grid computing application. This claim clearly falls within the "machine" category of statutory subject matter. Thus, Applicants submit the rejection of claim 22 under 35 U.S.C. § 101 should be withdrawn.

With respect to claims 14-19, the Examiner's attention is directed to the proceedings *In re Beauregard*, in which the PTO conceeded that computer readable medium claims are an article of manufacutre and statutory subject matter. Further, claims 14-19 are not claiming "nonfunction descriptive material" as alleged by the Examiner. Non-functional descriptive material is material such as music, literature, photgraphs, etc. (see MPEP 2106). Claims 14-19 clearly define a computer readable

medium that enables a network element to perform certain functions. Thus, claims 14-19 are statutrory.

Claims 1-4, 6-10, 12-17, 19, 20 and 22 were rejected under 35 U.S.C. § 102 as being unpatentable over Knight. This rejection is traversed for the following reasons.

Claim 1 recites, *inter alia*, "monitoring access to content by members of the community, the monitoring being performed by a grid computing platform implemented by a plurality of geographically dispersed network elements, the grid computing platform executing a grid application to control resources within a distribution network." The grid computing platform 24 implements a number of functions as described in paragraphs [0017] – [0018] of Applicants' specification. This type of distributed computing reduces the burden on a single processing device, particularly when under high demand conditions.

Knight fails to teach a grid computing platform. In Knight, a single server 220 executes a number of software routines extracting content, searching content, etc. (Figure 2). As Knight fails to teach a grid computing platform as recited in claim 1, Knight cannot anticipate claim 1.

For at least the above reasons, claim 1 is patentable over Knight. Claims 2-4, 6 and 20 variously depend from claim 1 and are patentable over Knight for at least the reasons advanced with reference to claim 1.

Claims 7, 14 and 22, as amended, recite a "grid computing platform executing a grid application." As discussed above with reference to claim 1, Knight fails to teach this feature and claims 7, 14 and 22 are patentable over Knight for at least the reasons advanced with reference to claim 1. Claims 8-10, 12, 13 are dependent upon claim 7 and are patentable over Knight for at least the reasons advanced with reference to claim 7. Claims 15-17 and 19 depend from claim 14 and are patentable over Knight for at least the reasons advanced with reference to claim 7.

Claims 5, 11 and 18 were rejected under 35 U.S.C. § 103 as being unpatentable over Knight in view of Levinson. This rejection is traversed for the following reasons.

Levinson was relied upon for disclosing billing a consumer upon the consumer accessing content, but fails to cure the deficiencies of Knight discussed above. Levinson fails to teach a grid computing platform executing a grid application. Claims 5, 11 and

18 depend from claims 1, 7 and 14 and are patentable over Knight in view of Levinson for at least the reasons advanced with reference to claims 1, 7 and 14.

In view of the foregoing remarks and amendments, Applicants submit that the above-identified application is now in condition for allowance. Early notification to this effect is respectfully requested.

If there are any charges with respect to this response or otherwise, please charge them to Deposit Account 06-1130.

Respectfully submitted,

By: _____

David A. Fox
Registration No. 38,807
CANTOR COLBURN LLP
55 Griffin Road South
Bloomfield, CT 06002
Telephone (860) 286-2929
Facsimile (860) 286-0115
Customer No. 36192

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